

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

CINCINNATI INSURANCE COMPANY

PLAINTIFF

V.

Case No. 4:18cv492-KGB

ANDREA DIEVERNICH;  
SILAS RAYMARSHALL;  
TOMMY LEE STEVENSON;  
JANET MARIE WRIGHT;  
ADRIENNE BOONE;  
JERRY BURKS;  
PATRICK MUGRIDGE;  
BRIAN EATON;  
STEVEN HEARD;  
DeMARCUS BORUM;  
RICHARD BROWN;  
JEFF DYER;  
CLEO HUNTER;  
MONTREAL ALLEN AND DR. MARK ALLEN, SR.,  
NATURAL GUARDIAN OF MONTREAL ALLEN;  
COLLIN BAGLEY AND ANDREW BAGLEY,  
NATURAL GUARDIAN OF COLLIN BAGLEY;  
RANCE BOLDEN AND ERIC BOLDEN,  
NATURAL GUARDIAN OF RANCE BOLDEN;  
Ma'KAYLAH CARRUTH AND MAGNOLA FORD,  
NATURAL GUARDIAN OF Ma'KAYLAH CARRUTH;  
SHAZMYNE JAMEKIA CARRUTH AND TRACEY PARTEE,  
NATURAL GUARDIAN OF SHAZMYNE JAMEKIA CARRUTH;  
DEKETRIC DAVIS AND WILLIE AND JENNIE  
DAVIS, NATURAL GUARDIANS OF DEKETRIC DAVIS;  
JAMESHIA EDMOND AND JAMIA AND RICHARD MOORE,  
NATURAL GUARDIANS OF JAMESHIA EDMOND;  
CHINIYA ELLIS AND CHERYL DIXON, NATURAL  
GUARDIAN OF CHINIYA ELLIS;  
NAKIYA FORD AND MICHELLE WRIGHT, NATURAL  
GUARDIAN OF NAKIYA FORD;  
KYLAR GAMBLE AND BOBBIE RANDLE, NATURAL  
GUARDIAN OF KYLAR GAMBLE;  
ADAM GOODALL AND AMANDA SMITH,  
NATURAL GUARDIAN OF ADAM GOODALL;  
ASHAUNTE GOODALL AND AMANDA SMITH,

NATURAL GUARDIAN OF ASHAUNTE GOODALL;  
ANNESHA HARRISON AND LORENZO HARRISON,  
NATURAL GUARDIAN OF ANNESHA HARRISON;  
ADINA HOLLOWAY AND NICOLE BAKER, NATURAL  
GUARDIAN OF ADINA HOLLOWAY;  
EBONI HOLLOWAY AND NICOLE BAKER, NATURAL  
GUARDIAN OF EBONI HOLLOWAY;  
WILLIAM JACKSON AND DANA AUSTIN, NATURAL  
GUARDIAN OF WILLIAM JACKSON;  
KADDARRIAN JONES AND MATTIE HARDIN,  
NATURAL GUARDIAN OF KADDARRIAN JONES;  
KAYLA JONES AND PAMELA JONES, NATURAL  
GUARDIAN OF KAYLA JONES;  
JAYLA LEMON AND RASHUNA BOLDIEN, NATURAL  
GUARDIAN OF JAYLA LEMON;  
ANDREW MATTSON AND BECKY ALEXANDER,  
NATURAL GUARDIAN OF ANDREW MATTSON;  
SHA'KIERA McGAUGHY AND PAM ROGERS, NATURAL  
GUARDIAN OF SHA'KIERA McGAUGHY;  
DAITRION McMINNEY AND KIMBERLY McKINNEY,  
NATURAL GUARDIAN OF DAITRION McMINNEY;  
JAKAHRIYAH OWENS AND WALTER VAUGHN,  
NATURAL GUARDIAN OF JAKAHRIYAH OWENS;  
JASMINE PRUITT AND LOVERS HARRIS, NATURAL  
GUARDIAN OF JASMINE PRUITT;  
AASIA RILEY AND RAE KING, NATURAL GUARDIAN  
OF AASIA RILEY;  
GIAN ROBERTS AND TRINA ROBERTS, NATURAL  
GUARDIAN OF GIAN ROBERTS;  
SARIAH ROBINSON AND AESHIA BROWN, NATURAL  
GUARDIAN OF SARIAH ROBINSON;  
ANGEL SANDERS AND LATESHA SANDERS, NATURAL  
GUARDIAN OF ANGEL SANDERS;  
TYKIAH SPEED AND ERICA SPEED, NATURAL  
GUARDIAN OF TYKIAH SPEED;  
MALEK TROTTER AND MICHELLE WILLIAMS,  
NATURAL GUARDIAN OF MALEK TROTTER;  
JORDAN WALKER AND DONNA BLOCK, NATURAL  
GUARDIAN OF JORDAN WALKER;  
RA'SHANNA WILLIAMS AND JANICE AND RON WILLIAMS,  
NATURAL GUARDIANS OF RA'SHANNA WILLIAMS;  
CALVIN WILLIS AND CRYSTAL WILLIAMS, NATURAL  
GUARDIAN OF CALVIN WILLIS;  
BREUNA WOMACK AND EARNEST WOMACK, NATURAL  
GUARDIAN OF BREUNA WOMACK;

D'ANDREYA YOUNG AND CHESTER AND KATRINA HARRELL,  
NATURAL GUARDIANS OF D'ANDREYA YOUNG;  
D'ANDREYA DEVAY YOUNG AND CHESTER AND KATRINA  
HARRELL, NATURAL GUARDIANS OF D'ANDREYA DEVAY YOUNG;  
KYLAUN ANDERSON AND SANDRE ANDERSON, NATURAL  
GUARDIAN OF KYLAUN ANDERSON;  
MAKHI ARMSTRONG AND LASHANUTI ANDERSON,  
NATURAL GUARDIAN OF MAKHI ARMSTRONG;  
SAMMY ARNETT III AND STACY ARNETT,  
NATURAL GUARDIAN OF SAMMY ARNETT III;  
AMOD BAILEY AND TERRANCE BAILY, NATURAL  
GUARDIAN OF AMOD BAILEY;  
TIMOTHY BRYANT AND TANDRIA THOMAS, NATURAL  
GUARDIAN OF TIMOTHY BRYANT;  
EDDIE EVANS AND KAMEDRA ROGERS, NATURAL  
GUARDIAN OF EDDIE EVANS;  
DALIUS FIELDS AND MONICA BROWN, NATURAL  
GUARDIAN OF DALIUS FIELDS;  
YAVARIOUS FRAZIER AND TASHIA HOLDER, NATURAL  
GUARDIAN OF YAVARIOUS FRAZIER;  
JAYLON GATES AND MAXINE ELLISON, NATURAL  
GUARDIAN OF JAYLON GATES;  
CALDREEKIOUS HARRELL AND TASHA HARRELL,  
NATURAL GUARDIAN OF CALDREEKIOUS HARRELL;  
SHARMARCUS HEARD AND STEVEN HEARD, NATURAL  
GUARDIAN OF SHARMARCUS HEARD;  
BRIAN JACKSON AND TAMARA JONES, NATURAL  
GUARDIAN OF BRIAN JACKSON;  
AHMAUD JONES AND PAMELA JONES, NATURAL  
GUARDIAN OF AHMAUD JONES;  
TAYLIN KING AND TANGELA KING, NATURAL  
GUARDIAN OF TAYLIN KING;  
MURRY CONAIL AND LAKESHA HAMILTON,  
NATURAL GUARDIAN OF MURRY CONAIL;  
DEMONTAE OLIVER AND PHILEMON OLIVER, NATURAL  
GUARDIAN OF DEMONTAE OLIVER;  
AVIN REDMON AND DEVITA REDMON, NATURAL  
GUARDIAN OF AVIN REDMON;  
JUSTIN REDMON AND SHEREKA SPEARMAN, NATURAL  
GUARDIAN OF JUSTIN REDMON;  
JOSEPH ROBINSON AND SHALANDA SMITH, NATURAL  
GUARDIAN OF JOSEPH ROBINSON;  
JUSTIN ROGERS AND DEWAYNE STACKHOUSE, NATURAL  
GUARDIAN OF JUSTIN ROGERS;  
DeMARCUS SHEARD AND LOLA JONES-STEVENSON,

NATURAL GUARDIAN OF DeMARCUS SHEARD;  
KENDRIC SMITH AND AMY CARTER, NATURAL  
GUARDIAN OF KENDRIC SMITH;  
JAVAZZE SMITH AND YVETTE SMITH, NATURAL  
GUARDIAN OF JAVAZZE SMITH;  
KENDRICK STRICKLAND AND MARCIA BOWEN,  
NATURAL GUARDIAN OF KENDRICK STRICKLAND;  
TERRACE BAILEY AND TERRACE BAILEY, NATURAL  
GUARDIAN OF TERRACE BAILEY;  
KEYON BURRELL AND MARVIE ASKEW-EVANS,  
NATURAL GUARDIAN OF KEYON BURRELL;  
ARMONIE CALHOUN AND CACHET BROWN,  
NATURAL GUARDIAN OF ARMONIE CALHOUN;  
TERRANCE CALHOUN AND CACHET BROWN,  
NATURAL GUARDIAN OF TERRANCE CALHOUN;  
BAKARIUS COLLIER AND TASHETA EVANS,  
NATURAL GUARDIAN OF BAKARIUS COLLIER;  
SHAMAR DEBNAM AND SHARONDA HART,  
NATURAL GUARDIAN OF SHAMAR DEBNAM;  
CLAYTON DYER AND CYNTHIA REDMOND, NATURAL  
GUARDIAN OF CLAYTON DYER;  
JAKOLIYAN EATON AND LATORIA EATON, NATURAL  
GUARDIAN OF JAKOLIYAN EATON;  
CARL FORD, JR. AND CYNTHIA FORD, NATURAL  
GUARDIAN OF CARL FORD, JR.;  
TORRI GATES AND MAXINE ELLISON, NATURAL  
GUARDIAN OF TORRI GATES;  
JARVIS GREER AND TANYA GREER, NATURAL  
GUARDIAN OF JARVIS GREER;  
MARKESE HARRIS AND ORRA LACEY, NATURAL  
GUARDIAN OF MARKESE HARRIS;  
NATHANIEL HARVEY AND SHAMIKA BEALE,  
NATURAL GUARDIAN OF NATHANIEL HARVEY;  
BRANDON McBRIDE AND SHEQUINA SHIELDS,  
NATURAL GUARDIAN OF BRANDON McBRIDE;  
JAMARIUS McGEE AND MAMIE STEVENSON,  
NATURAL GUARDIAN OF BRANDON JAMARIUS McGEE;  
JOHN OLIVER AND DEBBIE OLIVER, NATURAL  
GUARDIAN FOR JOHN OLIVER;  
KOBE SIMPSON AND KEISHA AND EARNEST SIMPSON;  
NATURAL GUARDIANS OF KOBE SIMPSON;  
KYRON SMITH AND GLORIA SPENCER, NATURAL  
GUARDIAN OF KYRON SMITH;  
RANDY SWEARENGEN AND VERONICA LINDZY,  
NATURAL GUARDIAN OF RANDY SWEARENGEN;

KYLAN TERRY AND CHERYL DIXON, NATURAL  
GUARDIAN OF KYLAN TERRY;  
JIMMY WHITE AND JIMMY AND PHYLLIS WHITE,  
NATURAL GUARDIANS OF JIMMY WHITE;  
HEAVEN WILLIAMS AND NYRITA GRAY, NATURAL  
GUARDIAN OF HEAVEN WILLIAMS;  
SYIEED WILSON;  
AARON WRIGHT AND DEBRA WRIGHT, NATURAL  
GUARDIAN OF AARON WRIGHT;

RADIOLOGY ASSOCIATES, P.A.,  
UNIVERSITY OF ARKANSAS FOR MEDICAL  
SCIENCES; MID-DELTA RADIOLOGY ASSOCIATES;  
ALIGN M.D. OF HELENA, ARKANSAS, PLLC;  
HELENA REGIONAL MEDICAL CENTER; PILLOW  
CLINIC, PLLC; HICKORY HILL PHARMACY; CYPERT  
RIDGE FAMILY PRACTICE CLINIC; SALINE CLINICS,  
LLC; and THE ARKANSAS DEPARTMENT OF HUMAN  
SERVICES

DEFENDANTS

**FIRST AMENDED COMPLAINT IN INTERPLEADER**

Comes Plaintiff, Cincinnati Insurance Company, by and through its attorneys, Barber Law Firm PLLC, and for its Complaint in Interpleader, states as follows:

**Parties**

1. Plaintiff is a foreign corporation and insurance company, organized under the laws of the state of Ohio and with its principal place of business in Ohio. Plaintiff is licensed to do business in the State of Arkansas.

2. Andrea Dievernich, the driver of a Jeep involved in the accident described herein, is believed to be a resident of Garland County, Arkansas.

3. Upon information and belief, Silas Ray Marshall, the driver of a school bus in the accident described herein, is believed to be a resident of Phillips County, Arkansas.

4. Upon information and belief, Tommy Lee Stevenson, the driver a school bus in the accident described herein, is believed to be a resident of Phillips County, Arkansas.

5. Upon information and belief, Janet Marie Wright, the driver of a school bus in the accident described herein, is believed to be a resident of Phillips County, Arkansas.

6. Upon information and belief, Adrienne Boone, cheerleader coach, is believed to be a resident of Phillips County, Arkansas.

7. Upon information and belief, Jerry Burks, transportation director, is believed to be a resident of Phillips County, Arkansas.

8. Upon information and belief, Patrick Mugridge, band director, is believed to be a resident of Phillips County, Arkansas.

9. Upon information and belief, Brian Eaton, coach, is believed to be a resident of Phillips County, Arkansas.

10. Upon information and belief, Steven Heard, coach, is believed to be a resident of Phillips County, Arkansas.

11. Upon information and belief, DeMarcus Borum, support, is believed to be a resident of Phillips County, Arkansas.

12. Upon information and belief, Richard Brown, support, is believed to be a resident of Phillips County, Arkansas.

13. Upon information and belief, Jeff Dyer, coach, is believed to be a resident of Phillips County, Arkansas.

14. Upon information and belief, Cleo Hunter, coach, is believed to be a resident of Phillips County, Arkansas.

15. Upon information and belief, Montreal Allen and natural guardian, Dr. Mark Allen, Sr. are residents of Phillips County, Arkansas.

16. Upon information and belief, Collin Bagley and natural guardian, Andrew Bagley, are residents of Phillips County, Arkansas.

17. Upon information and belief, Rance Bolden and natural guardian, Eric Bolden, are residents of Phillips County, Arkansas.

18. Upon information and belief, Ma'Kaylah Carruth and natural guardian Magnola Ford, are residents of Phillips County, Arkansas.

19. Upon information and belief, Shazmyne Jamekia Carruth and natural guardian, Tracy Partee, are residents of Phillips County, Arkansas.

20. Upon information and belief, Deketric Davis and natural guardians, Willie and Jennie Davis, are residents of Phillips County, Arkansas.

21. Upon information and belief, Jameshia Edmond and natural guardians, Jamia and Richard Moore, are residents of Phillips County, Arkansas.

22. Upon information and belief, Chiniya Ellis and natural guardian, Cheryl Dixon, are residents of Phillips County, Arkansas.

23. Upon information and belief, Nakiya Ford and natural guardian Michelle Wright, are residents of Phillips County, Arkansas.

24. Upon information and belief, Kylar Gamble and natural guardian Bobbie Randle, are residents of Phillips County, Arkansas.

25. Upon information and belief, Adam Goodall and natural guardian Amanda Smith, are residents of Phillips County, Arkansas.

26. Upon information and belief, Ashaunte Goodall and natural guardian Amanda Smith, are residents of Phillips County, Arkansas.

27. Upon information and belief, Annesha Harrison and natural guardian Lorenzo Harrison, are residents of Phillips County, Arkansas.

28. Upon information and belief, Adina Holloway and natural guardian Nicole Baker, are residents of Phillips County, Arkansas.

29. Upon information and belief, Eboni Holloway and natural guardian Nicole Baker, are residents of Phillips County, Arkansas.

30. Upon information and belief, William Jackson and natural guardian Dana Austin, are residents of Phillips County, Arkansas.

31. Upon information and belief Kaddarrian Jones and natural guardian Mattie Hardin, are residents of Phillips County, Arkansas.

32. Upon information and belief, Kayla Jones and natural guardian Pamela Jones, are residents of Phillips County, Arkansas.

33. Upon information and belief Jayla Lemon and natural guardian Rashuna Boldien, are residents of Phillips County, Arkansas.

34. Upon information and belief Andrew Mattson and natural guardian Becky Alexander, are residents of Phillips County, Arkansas.

35. Upon information and belief Sha'kiera McGaughy and natural guardian Pam Rogers, are residents of Phillips County, Arkansas.

36. Upon information and Daitrion McMinney and natural guardian Kimberly McKinney, are residents of Phillips County, Arkansas.



37. Upon information and belief, Jakahriyah Owens and natural guardian Walter Vaughn, are residents of Phillips County, Arkansas.

38. Upon information and belief, Jasmine Pruitt and natural guardian Lovers Harris, are residents of Phillips County, Arkansas.

39. Upon information and belief, Aasia Riley and natural guardian Rae King, are residents of Phillips County, Arkansas.

40. Upon information and belief, Gian Roberts and natural guardian Trina Roberts, are residents of Phillips County, Arkansas.

41. Upon information and belief, Sariah Robinson and natural guardian Aeshia Brown, are residents of Phillips County, Arkansas.

42. Upon information and belief, Angel Sanders and natural guardian Latesha Sanders, are residents of Phillips County, Arkansas.

43. Upon information and belief, Tykiah Speed and natural guardian Erica Speed, are residents of Phillips County, Arkansas.

44. Upon information and belief, Malek Trotter and natural guardian Michelle Williams are residents of Phillips County, Arkansas.

45. Upon information and belief, Jordan Walker and natural guardian Donna Block, are residents of Phillips County, Arkansas.

46. Upon information and belief Ra'Shanna Williams and natural guardians Janice and Ron Williams, are residents of Phillips County, Arkansas.

47. Upon information and belief, Calvin Willis and natural guardian Crystal Williams, are residents of Phillips County, Arkansas.

48. Upon information and belief Breuna Womack and natural guardian Earnest Womack, are residents of Phillips County, Arkansas.

49. Upon information and belief, D'Andreya Young and natural guardians, Chester and Katrina Harrell, are residents of Phillips County, Arkansas.

50. Upon information and belief, D'Andreya Devay Young and natural guardians Chester and Katrina Harrell, are residents of Phillips County, Arkansas.

51. Upon information and belief Kylaun Anderson and natural guardian Sandre Anderson, are residents of Phillips County, Arkansas.

52. Upon information and belief Makhi Armstrong and natural guardian Lashanunti Anderson, are residents of Phillips County, Arkansas.

53. Upon information and belief, Sammy Arnett III and natural guardian Stacy Arnett, are residents of Phillips County, Arkansas.

54. Upon information and belief, Amod Bailey and natural guardian Terrance Bailey, are residents of Phillips County, Arkansas.

55. Upon information and belief, Timothy Bryant and natural guardian Tandria Thomas, are residents of Phillips County, Arkansas.

56. Upon information and belief Eddie Evans and natural guardian Kamedra Rogers, are residents of Phillips County, Arkansas.

57. Upon information and belief, Daluis Fields and natural guardian Monica Brown, are residents of Phillips County, Arkansas.

58. Upon information and belief, Yavarious Frazier and natural guardian Tashia Holder, are residents of Phillips County, Arkansas.

59. Upon information and belief Jaylon Gates and natural guardian Maxine Ellison, are residents of Phillips County, Arkansas.

60. Upon information and belief, Caldreekious Harrell and natural guardian Tasha Harrell, are residents of Phillips County, Arkansas.

61. Upon information and belief, Sharmarcus Heard and natural guardian Steven Heard, are residents of Phillips County, Arkansas.

62. Upon information and belief, Brian Jackson and natural guardian Tamara Jones, are residents of Phillips County, Arkansas.

63. Upon information and belief, Ahmaud Jones and natural guardian Pamela Jones, are residents of Phillips County, Arkansas.

64. Upon information and belief, Taylin King and natural guardian Tangela King, are residents of Phillips County, Arkansas.

65. Upon information and belief, Murry Conail and natural guardian Lakesha Hamilton, are residents of Phillips County, Arkansas.

66. Upon information and belief, Demontae Oliver and natural guardian Philemon Oliver, are residents of Phillips County, Arkansas.

67. Upon information and belief, Avin Redmon and natural guardian Devita Redmon, are residents of Phillips County, Arkansas.

68. Upon information and belief, Justin Redmon and natural guardian Shereka Spearman, are residents of Phillips County, Arkansas.

69. Upon information and belief, Joseph Robinson and natural guardian Shalanda Smith, are residents of Phillips County, Arkansas.

70. Upon information and belief, Justin Rogers and natural guardian DeWayne Stackhouse, are residents of Phillips County, Arkansas.

71. Upon information and belief, DeMarcus Sheard and natural guardian Lola Jones-Stevenson, are residents of Phillips County, Arkansas.

72. Upon information and belief, Kendric Smith and natural guardian Amy Carter, are residents of Phillips County, Arkansas.

73. Upon information and belief, Javazze Smith and natural guardian, Yvette Smith, are residents of Phillips County, Arkansas.

74. Upon information and belief, Kendrick Strickland and natural guardian Marcia Bowen, are residents of Phillips County, Arkansas.

75. Upon information and belief, Terrace Bailey and natural guardian Terrace Bailey, are residents of Phillips County, Arkansas.

76. Upon information and belief Keyon Burrell and natural guardian Marvie Askew-Evans, are residents of Phillips County, Arkansas.

77. Upon information and belief, Armonie Calhoun and natural guardian Cachet Brown, are residents of Phillips County, Arkansas.

78. Upon information and belief, Terrance Calhoun and natural guardian, Cachet Brown, are residents of Phillips County, Arkansas.

79. Upon information and belief Bakarius Collier and natural guardian Tasheta Evans, are residents of Phillips County, Arkansas.

80. Upon information and belief, Shamar Debnam and natural guardian Sharonda Hart, are residents of Phillips County, Arkansas.

81. Upon information and belief, Clayton Dyer and natural guardian Cynthia Redmond, are residents of Phillips County, Arkansas.

82. Upon information and belief, Jakolijan Eaton and natural guardian Latoria Eaton, are residents of Phillips County, Arkansas.

83. Upon information and belief, Carl Ford, Jr. and natural guardian Cynthia Ford, are residents of Phillips County, Arkansas.

84. Upon information and belief, Torri Gates and natural guardian Maxine Ellison, are residents of Phillips County, Arkansas.

85. Upon information and belief, Jarvis Greer and natural guardian Tanya Greer, are residents of Phillips County, Arkansas.

86. Upon information and belief, Markese Harris and natural guardian Orra Lacey, are residents of Phillips County, Arkansas.

87. Upon information and belief, Nathaniel Harvey and natural guardian Shamika Beale, are residents of Phillips County, Arkansas.

88. Upon information and belief, Brandon McBride and natural guardian Shequina Shields, are residents of Phillips County, Arkansas.

89. Upon information and belief, Jamarius McGee and natural guardian Mamie Stevenson, are residents of Phillips County, Arkansas.

90. Upon information and belief, John Oliver and natural guardian Debbie Oliver, are residents of Phillips County, Arkansas.

91. Upon information and belief, Kobe Simpson and natural guardians Keisha and Earnest Simpson, are residents of Phillips County, Arkansas.

92. Upon information and belief, Kyron Smith and natural guardian Gloria Spencer, are residents of Phillips County, Arkansas.

93. Upon information and belief, Randy Swearengen and natural guardian Veronica Lindzy, are residents of Phillips County, Arkansas.

94. Upon information and belief, Kylan Terry and natural guardian Cheryl Dixon, are residents of Phillips County, Arkansas.

95. Upon information and belief, Jimmy White and natural guardians Jimmy and Phyllis White, are residents of Phillips County, Arkansas.

96. Upon information and belief, Heaven Williams and natural guardian Nyrita Gray, are residents of Phillips County, Arkansas.

97. Upon information and belief Syieed Wilson is a resident of Phillips County, Arkansas.

98. Upon information and belief Aaron Wright and natural guardian Debra Wright, are residents of Phillips County, Arkansas.

99. Radiology Associates, P.A. is believed to have its principal place of business in Little Rock, Pulaski County, Arkansas.

100. Mid-Delta Radiology Associates is believed to have its principal place of business in Leland, Washington County, Mississippi.

101. Align M.D. is believed to have its principal place of business in Brentwood, Williamson County, Tennessee.

102. UAMS is believed to have its principal place of business in Little Rock, Arkansas.

103. Ark. Dep't of Health is believed to have its principal place of business in Little Rock, Pulaski County, Arkansas.

104. All remaining Defendants, with the exception of Saline County Medical Center, are believed to be residents of Phillips County or have their principal place of business in Phillips County, Arkansas.

105. Radiology Associates, P.A. is a domestic non-profit corporation. Upon information and belief, Radiology Associates, P.A. provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of process of Radiology Associates, P.A., is Clark Davis, 500 S. University, Little Rock, AR 72205.

106. University of Arkansas for Medical Sciences ("UAMS") is an Arkansas state agency. Upon information and belief, UAMS provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. UAMS may be served through its Chancellor, Cam Patterson, UAMS, 4301 W. Markham St., Little Rock, AR 72205.

107. Mid-Delta Radiology Associates is a domestic non-profit corporation. Upon information and belief, Mid-Delta Radiology Associates provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of process of Mid-Delta Radiology Associates is John A. Oliver, 4872 Old Leland Rd., Leland, MS 38756.

108. Align M.D. PLLC is a domestic Professional Limited Liability Corporation. Upon information and belief, Align M.D. PLLC provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of process of Align M.D. PLLC is Andrew L. McQueen, 5121 Maryland Way, Ste. 300, Brentwood, TN 37027.

109. Helena Regional Medical Center is a domestic non-profit corporation. Upon information and belief Helena Regional Medical Center provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. Helena Regional Medical Center may be served through its Chief Executive Officer, Leah Osbahr, Helena Regional Medical Center, 1801 Martin Luther King Jr. Dr., Helena, R 72342.

110. Pillow Clinic PLLC is a domestic Professional Limited Liability Corporation. Upon information and belief, Pillow Clinic PLLC provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of process of Pillow Clinic PLLC is Gill Pillow, 3206 Hwy. 242 W., Lexa, AR 72355.

111. Hickory Hill Pharmacy is a domestic for-profit corporation. Upon information and belief, Hickory Hill Pharmacy provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of process of Hickory Hill Pharmacy is Ed Pat Wright, 109 Hickory Hill Dr., Helena, AR 72342.

112. S.A. Hall M.D. P.A., d/b/a Cypert Ridge Family Practice Clinic, is a domestic for-profit corporation. Upon information and belief, Cypert Ridge Family Practice Clinic provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of process of Cypert Ridge Family Practice Clinic is Scott A. Hall, 812-B Newman Dr., Helena, AR 72342.

113. Saline Clinics LLC is a domestic limited liability company. Upon information and belief, Saline Clinics LLC provided medical services to persons injured in the accident giving rise to the Complaint and has outstanding medical bills or liens. The registered agent for service of



process of Saline Clinics LLC is The Corporation Company, 124 W. Capitol Ave., Suite 1900, Little Rock, AR 72201.

114. The Arkansas Department of Human Services is an Arkansas state agency. Upon information and belief, the Arkansas Department of Human Services paid for medical services provided to the above-mentioned minors. The Arkansas Department of Human Services may be served through its Director, Cindy Gillespie, Arkansas Department of Human Services, Donaghey Plaza, P.O. Box 1437, Little Rock, Arkansas 72203.

#### **Jurisdiction and Venue**

115. This court has subject matter jurisdiction over this interpleader action pursuant to 28 U.S.C. § 1335, as the adverse claimants have minimal diversity, and the amount in controversy exceeds \$500.

116. Alternatively, this Court has subject matter jurisdiction over this interpleader action pursuant to Fed. R. Civ. P. 22, which permits interpleader in any action that meets the normal jurisdictional requirements of 28 U.S.C. § 1332.

117. Venue is proper pursuant to 28 U.S.C. § 1397, which states, “Any civil action of interpleader . . . may be brought in the judicial district in which one or more of the claimants reside.” Here, several defendants “reside” in Saline and Pulaski counties.

118. Venue also is proper pursuant to 28 U.S.C. § 1391(b)(2), the “judicial district in which a substantial part of the events or omissions giving rise to the claim occurred,” because the subject incident occurred in Saline County, Arkansas.

#### **Statement of the Controversy**

119. This matter arose as the result of an automobile accident involving three Helena-West Helena School District buses on November 10, 2017, in Saline County, Arkansas. Defendants include drivers and passengers on the school bus, adjacent vehicles, and entities believed to have provided medical treatment as a result of the accident.

120. There were three buses, driven by: Silas Ray Marshall, Tommy Lee Stevenson, and Janet Marie Wright. Each of these buses contained numerous passengers, all of whom are reasonably believed to be students of the Helena-West Helena High School. Upon information and belief, all passengers may have claims for injuries resulting from the above-described accident.

121. The Helena-West Helena School District and its previously-named employees are immune from liability pursuant to Ark. Code Ann. § 21-9-301.

122. Plaintiff issued a policy of insurance, policy number CAA 524 86 60, to the Helena-West Helena School District with \$100,000 liability limits for a policy period of July 1, 2017, through July 1, 2018. A copy of the policy is attached hereto, marked Exhibit "A".

123. The potential damages incurred and claimed by all Defendants will likely exceed available coverage. Plaintiff seeks to avoid multiple lawsuits and the potential for inconsistent and duplicative liability as Defendants make claims for all or part of the policy proceeds.

124. Plaintiff concedes it owes these Defendants its single limit for liability motorist coverage in the amount of \$100,000.00, but is unable to allocate those available funds amongst the Defendants.

125. This Interpleader is limited solely to Plaintiff's liability coverage in the amount of \$100,000.00.

126. While there may be claims to be litigated among the Defendants as to the proper allocation of proceeds Plaintiff, as a mere stakeholder, has no interest (except to recover its attorneys' fees and costs of this action) in the proceeds payable under the Policy. Therefore, Plaintiff should be discharged from any further participation in this action and, upon interpleading the policy sums, requests that it be discharged from any further liability to any of the Defendants.

127. Plaintiff is ready, willing, and able to pay the insurance proceeds of \$100,000 in accordance with the terms of the Policy.

128. Plaintiff has not brought this Complaint in Interpleader at the request of any or all of the claimants; there is no fraud or collusion between Plaintiff and any or all of the claimants; and Plaintiff brings this Complaint in Interpleader of its own free will and to avoid being vexed and harassed by conflicting and multiple claims.

129. Plaintiff seeks to interplead into the Registry of the Court the insurance proceeds of the Policy until such time as the Court determines the proper beneficiary. Plaintiff also seeks to be discharged from all liability and released from this matter, once the funds are interpleaded, as it will have no rights or claims against the remaining parties to this action.

130. Further, Plaintiff seeks an award of attorney's fees and costs in interpleading these funds into the Registry of the Court from the proceeds of the policy, pursuant to applicable law.

WHEREFORE, Plaintiff, Cincinnati Insurance Company, requests judgment as follows:

- i. Requiring the defendants to answer this Complaint in Interpleader and litigate between themselves their rights to the proceeds due under the Policy;
- ii. Declaring and adjudging that upon Plaintiff's payment of the proceeds due under the Policy to the Clerk of the United States District Court, Plaintiff and its past,

present, and future parents, subsidiaries, affiliates, successors, assignees, agents, producers, servants, employees, officers, directors, principals, representatives, attorneys, and insurers be and hereby shall be wholly and completely discharged and absolved from any further liability of any nature to each of the defendants and/or any other claimant for the proceeds arising under the Policy as the result of the above-described accident, and that Plaintiff be dismissed from this interpleader action with prejudice;

iii. Enjoining all of the defendants, and all persons or parties claiming through them or through some other right, from instituting or prosecuting any proceeding in any state or federal court against Plaintiff based upon the subject matter of this interpleader action;

iv. Awarding Plaintiffs its reasonable attorneys' fees plus the costs of adjudicating this interpleader action, to be paid out of the proceeds at issue; and

v. Ordering any other and further relief that this Court deems just and proper.

Respectfully submitted,

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By: /s/ **William H. Edwards, Jr.**

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